

Introduced by Senator Kuehl

February 23, 2007

An act to amend Sections 11400 and 11465 of the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 720, as introduced, Kuehl. Foster children.

Existing law relating to the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program defines various categories of placement options for eligible foster children. One of these categories is the "whole family foster home," which is defined as a family home, approved relative caregiver or nonrelative extended family member's home, or certified family home, that provides foster care for a minor parent and his or her child, and is specifically recruited and trained in this regard.

This bill would expand the definition of a whole family foster home by specifying that this category includes both new and existing foster homes, and by including the home of a nonrelated legal guardian who is appropriately recruited and trained.

Existing law establishes a schedule of rates payable under the AFDC-FC program. Existing law requires the payment made for care and supervision of a child who is living with a teen parent in a whole family foster home to equal the basic rate for children placed in a licensed or approved home, as specified.

This bill would require the same payment to be made for the care and supervision of a child who is living with his or her teen parent in a group home.

Existing law continuously appropriates funds for allocation to each county for the adequate care of children eligible to receive AFDC-FC benefits. By expanding the situation in which AFDC-FC payments would be made, thus increasing the level of state participation, this bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11400 of the Welfare and Institutions
2 Code, as amended by Chapter 630 of the Statutes of 2005, is
3 amended to read:

4 11400. For the purposes of this article, the following definitions
5 shall apply:

6 (a) "Aid to Families with Dependent Children-Foster Care
7 (AFDC-FC)" means the aid provided on behalf of needy children
8 in foster care under the terms of this division.

9 (b) "Case plan" means a written document that, at a minimum,
10 specifies the type of home in which the child shall be placed, the
11 safety of that home, and the appropriateness of that home to meet
12 the child's needs. It shall also include the agency's plan for
13 ensuring that the child receive proper care and protection in a safe
14 environment, and shall set forth the appropriate services to be
15 provided to the child, the child's family, and the foster parents, in
16 order to meet the child's needs while in foster care, and to reunify
17 the child with the child's family. In addition, the plan shall specify
18 the services that will be provided or steps that will be taken to
19 facilitate an alternate permanent plan if reunification is not possible.

20 (c) "Certified family home" means a family residence certified
21 by a licensed foster family agency and issued a certificate of
22 approval by that agency as meeting licensing standards, and used
23 only by that foster family agency for placements.

24 (d) "Family home" means the family residency of a licensee in
25 which 24-hour care and supervision are provided for children.

26 (e) "Small family home" means any residential facility, in the
27 licensee's family residence, which provides 24-hour care for six
28 or fewer foster children who have mental disorders or
29 developmental or physical disabilities and who require special care
30 and supervision as a result of their disabilities.

1 (f) “Foster care” means the 24-hour out-of-home care provided
2 to children whose own families are unable or unwilling to care for
3 them, and who are in need of temporary or long-term substitute
4 parenting.

5 (g) “Foster family agency” means any individual or organization
6 engaged in the recruiting, certifying, and training of, and providing
7 professional support to, foster parents, or in finding homes or other
8 places for placement of children for temporary or permanent care
9 who require that level of care as an alternative to a group home.
10 Private foster family agencies shall be organized and operated on
11 a nonprofit basis.

12 (h) “Group home” means a nondetention privately operated
13 residential home, organized and operated on a nonprofit basis only,
14 of any capacity, or a nondetention licensed residential care home
15 operated by the County of San Mateo with a capacity of up to 25
16 beds, that provides services in a group setting to children in need
17 of care and supervision, as required by paragraph (1) of subdivision
18 (a) of Section 1502 of the Health and Safety Code.

19 (i) “Periodic review” means review of a child’s status by the
20 juvenile court or by an administrative review panel, that shall
21 include a consideration of the safety of the child, a determination
22 of the continuing need for placement in foster care, evaluation of
23 the goals for the placement and the progress toward meeting these
24 goals, and development of a target date for the child’s return home
25 or establishment of alternative permanent placement.

26 (j) “Permanency planning hearing” means a hearing conducted
27 by the juvenile court in which the child’s future status, including
28 whether the child shall be returned home or another permanent
29 plan shall be developed, is determined.

30 (k) “Placement and care” refers to the responsibility for the
31 welfare of a child vested in an agency or organization by virtue of
32 the agency or organization having (1) been delegated care, custody,
33 and control of a child by the juvenile court, (2) taken responsibility,
34 pursuant to a relinquishment or termination of parental rights on
35 a child, (3) taken the responsibility of supervising a child detained
36 by the juvenile court pursuant to Section 319 or 636, or (4) signed
37 a voluntary placement agreement for the child’s placement; or to
38 the responsibility designated to an individual by virtue of his or
39 her being appointed the child’s legal guardian.

1 (l) “Preplacement preventive services” means services that are
2 designed to help children remain with their families by preventing
3 or eliminating the need for removal.

4 (m) “Relative” means an adult who is related to the child by
5 blood, adoption, or affinity within the fifth degree of kinship,
6 including stepparents, stepsiblings, and all relatives whose status
7 is preceded by the words “great,” “great-great,” or “grand” or the
8 spouse of any of these persons even if the marriage was terminated
9 by death or dissolution.

10 (n) “Nonrelative extended family member” means an adult
11 caregiver who has an established familial or mentoring relationship
12 with the child, as described in Section 362.7.

13 (o) “Voluntary placement” means an out-of-home placement
14 of a child by (1) the county welfare department after the parents
15 or guardians have requested the assistance of the county welfare
16 department and have signed a voluntary placement agreement; or
17 (2) the county welfare department licensed public or private
18 adoption agency, or the department acting as an adoption agency,
19 after the parents have requested the assistance of either the county
20 welfare department, the licensed public or private adoption agency,
21 or the department acting as an adoption agency for the purpose of
22 adoption planning, and have signed a voluntary placement
23 agreement.

24 (p) “Voluntary placement agreement” means a written agreement
25 between either the county welfare department, a licensed public
26 or private adoption agency, or the department acting as an adoption
27 agency, and the parents or guardians of a child that specifies, at a
28 minimum, the following:

29 (1) The legal status of the child.

30 (2) The rights and obligations of the parents or guardians, the
31 child, and the agency in which the child is placed.

32 (q) “Original placement date” means the most recent date on
33 which the court detained a child and ordered an agency to be
34 responsible for supervising the child or the date on which an agency
35 assumed responsibility for a child due to termination of parental
36 rights, relinquishment, or voluntary placement.

37 (r) “Transitional housing placement facility” means either of
38 the following:

39 (1) A community care facility licensed by the State Department
40 of Social Services pursuant to Section 1559.110 of the Health and

1 Safety Code to provide transitional housing opportunities to persons
2 at least 16 years of age, and not more than 18 years of age unless
3 they satisfy the requirements of Section 11403, who are in
4 out-of-home placement under the supervision of the county
5 department of social services or the county probation department,
6 and who are participating in an independent living program.

7 (2) A facility certified to provide transitional housing services
8 pursuant to subdivision (e) of Section 1559.110 of the Health and
9 Safety Code.

10 (s) “Transitional housing placement program” means a program
11 that provides supervised housing opportunities to eligible youth
12 pursuant to Article 4 (commencing with Section 16522) of Chapter
13 5 of Part 4.

14 (t) “Whole family foster home” means a *new or existing* family
15 home, approved relative caregiver or nonrelative extended family
16 member’s home, *nonrelated legal guardian’s home*, or certified
17 family home that provides foster care for a minor parent and his
18 or her child, and is specifically recruited and trained to assist the
19 minor parent in developing the skills necessary to provide a safe,
20 stable, and permanent home for his or her child. The child of the
21 minor parent need not be the subject of a petition filed pursuant
22 to Section 300 to qualify for placement in a whole family foster
23 home.

24 (u) This section shall become operative on January 1, 2008.

25 SEC. 2. Section 11465 of the Welfare and Institutions Code is
26 amended to read:

27 11465. (a) When a child is living with a parent who receives
28 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
29 behalf of the parent shall include an amount for care and
30 supervision of the child.

31 (b) For each category of eligible licensed community care
32 facility, as defined in Section 1502 of the Health and Safety Code,
33 the department shall adopt regulations setting forth a uniform rate
34 to cover the cost of care and supervision of the child in each
35 category of eligible licensed community care facility.

36 (c) (1) On and after July 1, 1998, the uniform rate to cover the
37 cost of care and supervision of a child pursuant to this section shall
38 be increased by 6 percent, rounded to the nearest dollar. The
39 resultant amounts shall constitute the new uniform rate.

1 (2) (A) On and after July 1, 1999, the uniform rate to cover the
2 cost of care and supervision of a child pursuant to this section shall
3 be adjusted by an amount equal to the California Necessities Index
4 computed pursuant to Section 11453, rounded to the nearest dollar.
5 The resultant amounts shall constitute the new uniform rate, subject
6 to further adjustment pursuant to subparagraph (B).

7 (B) In addition to the adjustment specified in subparagraph (A),
8 on and after January 1, 2000, the uniform rate to cover the cost of
9 care and supervision of a child pursuant to this section shall be
10 increased by 2.36 percent, rounded to the nearest dollar. The
11 resultant amounts shall constitute the new uniform rate.

12 (3) Subject to the availability of funds, for the 2000–01 fiscal
13 year and annually thereafter, these rates shall be adjusted for cost
14 of living pursuant to procedures in Section 11453.

15 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
16 payment made pursuant to this section for care and supervision of
17 a child who is living with a teen parent in a whole family foster
18 home, as defined in ~~subdivision (u) of~~ Section 11400, *or in a group*
19 *home*, shall equal the basic rate for children placed in a licensed
20 or approved home as specified in subdivisions (a) to (d), inclusive,
21 of Section 11461.

22 (2) The caregiver shall provide the county child welfare agency
23 or probation department with a copy of the shared responsibility
24 plan developed pursuant to Section 16501.25 and shall advise the
25 county child welfare agency or probation department of any
26 subsequent changes to the plan. Once the plan has been completed
27 and provided to the appropriate agencies, the payment made
28 pursuant to this section shall be increased by an additional two
29 hundred dollars (\$200) per month to reflect the increased care and
30 supervision while he or she is placed in the whole family foster
31 home.

32 (3) In any year in which the payment provided pursuant to this
33 section is adjusted for the cost of living as provided in paragraph
34 (1) of subdivision (c), the payments provided for in this subdivision
35 shall also be increased by the same procedures.